



Amendment proposals to chapter 5 of the Regulations of the Registry

Subject area	Regulations proposed for amendment or addition
Segregation	154, 155, 190, 197, 201, 202, 202 <i>bis</i>
Isolation	212
Disciplinary matters	206, 207, 211, 215, 216
Use of force	204
Instruments of restraint	203
Personal search	194
Spiritual visits	153, 183
Care of infants	161
Complaints procedure	216 <i>bis</i> , 217, 218, 219, 220, 220 <i>bis</i> , 221 and 222
Cross references to the complaints procedure only	157, 169, 172, 173, 175, 180, 184, 196

I. Segregation

It is proposed to clarify certain matters relating to the use of segregation in the detention centre, by creating a separate procedure governing segregation for medical or health related reasons (new regulation 202 *bis*) and implementing the fundamental principle that the medical staff of the detention centre should not play a role in validating the segregation of detained persons for non-medical reasons. Other minor adjustments are also implemented.

Regulation 201	
Current	Amendment Proposal
<p>Regulation 201 Segregation</p> <p>1. After seeking the advice of the medical officer, the Chief Custody Officer may order that a detained person be segregated from all or some of the other detained persons in order to prevent the detained person in question from creating or contributing to any potential conflict in the detention centre or to avoid danger to the detained person in question.</p>	<p>Regulation 201 Segregation</p> <p>1. After seeking the advice of the medical officer, the Chief Custody Officer may order that a detained person be segregated from all or some of the other detained persons in order to prevent the detained person in question from creating or contributing to any potential conflict in the detention centre or to avoid danger to the detained person in question</p>

	maintain security and good order of the detention centre or for the safety of any person(s) therein. Such a measure can be resorted to only when it is necessary and proportionate. Segregation under this regulation is without prejudice to measures taken pursuant to regulation 202 <i>bis</i> .
2. The Chief Custody Officer shall report to the Registrar within 24 hours of the commencement of the segregation and the Registrar may revoke or vary the conditions of segregation.	2. The Chief Custody Officer shall inform the medical officer and report to the Registrar within 24 hours of the commencement of the segregation. and the Registrar may revoke the segregation or vary the conditions thereof at any time.
3. Segregation shall not be used as a disciplinary measure.	3. Segregation shall not be used as a disciplinary measure.
4. No detained person may be kept in segregation for more than seven consecutive days without review. The Chief Custody Officer and the medical officer shall review all cases of segregation at least once a week and report thereon to the Registrar.	4. No detained person may be kept in segregation for more than seven consecutive days without review. The Chief Custody Officer and the medical officer shall review all cases of segregation at least once a week and report thereon to the Registrar.
5. If the medical officer determines, after segregation is imposed, that the physical and mental health of the detained person is at risk he or she shall inform the Chief Custody Officer in writing who shall in turn report to the Registrar.	5. If the medical officer determines, after segregation is imposed, that the physical and mental health of the detained person is at risk he or she shall inform the Chief Custody Officer in writing who shall in turn report to the Registrar.
6. If further segregation is necessary, the Chief Custody Officer shall report the matter to the Registrar before the end of the seven-day period, providing the reasons for its extension. Any such extension of segregation shall not exceed seven days.	65. If further segregation is necessary in accordance with sub-regulation 1 above or requested in accordance with sub-regulation 7 below, the Chief Custody Officer shall report the matter to the Registrar before the end of the seven-day period, providing the reasons for its extension. Any such extension(s) of segregation shall not exceed seven days.
7. The Chief Custody Officer shall inform the medical officer of any incident arising during segregation. The medical officer shall provide a written evaluation as to whether the detained person continues to be physically and mentally fit for segregation.	76. The Chief Custody Officer shall inform the medical officer of any incident arising during segregation. The medical officer shall provide a written evaluation as to whether the detained person continues to be physically and mentally fit for segregation.
8. In the circumstances referred to in sub-	87. In the circumstances referred to in sub-

<p>regulation 1, a detained person may ask to be segregated from all or some of the other detained persons. Upon receipt of such a request and the reason(s) for it, the Chief Custody Officer shall consult the medical officer and determine whether such segregation is acceptable and shall report the outcome to the Registrar. A request for segregation may be granted unless, in the opinion of the medical officer, such segregation would be prejudicial to the mental or physical health of the detained person.</p>	<p>regulation 1, a detained person may ask to be segregated from all or some of the other detained persons. Upon receipt of such a request and the reason(s) for it, the Chief Custody Officer shall consult inform the medical officer, who shall inform the detained person of the consequences that segregation may have on his or her physical and mental health and ensure that he or she understands such consequences. and The Chief Custody Officer shall then determine whether such the requested segregation is acceptable and shall report the outcome to the Registrar. Sub-regulations 2 and 4-6 apply <i>mutatis mutandis</i>. A request for segregation may be granted unless, in the opinion of the medical officer, such segregation would be prejudicial to the mental or physical health of the detained person.</p>
	<p>8. For the time the detained person is segregated, the Chief Custody Officer shall ensure that the detained person still enjoys access to meaningful human contact and, to the extent possible, enjoys his or her general entitlements under the present Regulations and the Regulations of the Court.</p>
	<p>9. Segregation ordered or requested pursuant to this regulation shall be terminated as soon as the basis for it no longer exists.</p>
<p>9. A detained person subject to segregation may file a complaint in accordance with the complaints procedure set out in section 5 of this chapter.</p>	<p>910. A detained person subject to segregation may file a complaint in accordance with the complaints procedure set out in section 5 of this chapter. Regulation 155 shall apply <i>mutatis mutandis</i> for the medical care and treatment of a segregated detained person.</p>

Regulation 202	
Current	Amendment Proposals
<p>Regulation 202 Segregation of groups of detained persons</p>	<p>Regulation 202 Segregation of groups of detained persons</p>
<p>1. The Chief Custody Officer may organise the use of communal areas of the detention centre and partitioning of cells so as to segregate certain groups of detained persons</p>	<p>1. The Chief Custody Officer may organise the use of communal areas of the detention centre and partitioning of cells so as to segregate certain groups of detained persons from others for the</p>

from others for the safety of one or more detained persons and for the proper conduct and operation of the detention centre.	safety of one or more detained persons and for the proper conduct and operation of the detention centre. Such a measure can be resorted to only when it is necessary and proportionate.
2. Care shall be taken to ensure that all such groupings are treated on an equal basis to the extent possible, having regard to the number of detained persons falling within each group.	2. Care shall be taken to ensure that all such groupings are treated on an equal basis to the extent possible, having regard to the number of detained persons falling within each group.
3. Segregations shall be reported to the Registrar, who may vary the nature, basis or conditions of such segregation	3. Segregations shall be reported to the Registrar, who may vary the nature, basis or conditions of such segregation
4. Regulation 201, sub-regulations 4 to 9 shall apply <i>mutatis mutandis</i> .	4. Regulation 201, sub-regulations 4 to 10 shall apply <i>mutatis mutandis</i> .
5. A detained person subject to segregation under this regulation may file a complaint in accordance with the complaints procedure set out in section 5 of this chapter.	5. A detained person subject to segregation under this regulation may file a complaint in accordance with the complaints procedure set out in section 5 of this chapter.

Regulation 202 bis
Proposal
<p>Regulation 202 bis</p> <p>Segregation in the interests of health</p> <p>1. In consultation with the medical officer, the Chief Custody Officer may order that a detained person be segregated from all or some of the other detained persons if he or she considers that it is in the interests of health.</p> <p>2. The Chief Custody Officer shall report to the Registrar within 24 hours of the commencement of such segregation.</p> <p>3. Segregation ordered pursuant to sub-regulation 1 shall be terminated as soon as the basis for it no longer exists. In any event, in consultation with the medical officer, the Chief Custody Officer shall review cases of segregation ordered pursuant to sub-regulation 1 every day and report thereon to the Registrar.</p> <p>4. Regulation 155 shall apply <i>mutatis mutandis</i> for the medical care and treatment of the segregated detained person.</p>

5. For the time the detained person is segregated, the Chief Custody Officer shall ensure that the detained person still enjoys access to meaningful human contact and, to the extent possible, enjoys his or her general entitlements under the present Regulations and the Regulations of the Court.

Regulation 190	
Current	Amendment Proposal
<p>Regulation 190 Medical examination on admission</p>	<p>Regulation 190 Medical examination on admission</p>
<p>1. Prior to any other procedures being carried out, the detained person shall be examined by the medical officer or a medical practitioner on admission at the detention centre, with a view to diagnosing any physical or mental illness, and/or any indication or evidence of mistreatment. The medical examination shall be conducted in private and in the absence of any non-medical staff.</p>	<p>1. Prior to any other procedures being carried out, the detained person shall be examined by the medical officer or a medical practitioner on admission at the detention centre, with a view to diagnosing any physical or mental illness, and/or any indication or evidence of mistreatment. The medical examination shall be conducted in private and in the absence of any non-medical staff.</p>
<p>2. Should a detained person be diagnosed as having an infectious or contagious disease, the medical officer may take any necessary measures at his or her disposal for the medical treatment of that detained person and for the protection of others, including segregation under regulation 201.</p>	<p>2. Should a detained person be diagnosed as having an infectious or contagious disease, the medical officer may take any necessary measures at his or her disposal for the medical treatment of that detained person and for the protection of others, including segregation under regulation 201 advising the Chief Custody Officer to order segregation pursuant to regulation 202 <i>bis</i>.</p>

Regulation 197	
Current	Amendment Proposal
<p>Regulation 197 Personal hygiene</p>	<p>Regulation 197 Personal hygiene</p>
<p>1. A detained person shall be required to keep himself or herself clean, and shall be provided with such toiletries as are necessary for health and cleanliness.</p>	<p>1. A detained person shall be required to keep himself or herself clean, and shall be provided with such toiletries as are necessary for health and cleanliness.</p>
<p>2. Facilities shall be provided for shaving and for the proper care of hair and beards.</p>	<p>2. Facilities shall be provided for shaving and for the proper care of hair and beards.</p>
<p>3. Where the Chief Custody Officer, in</p>	<p>3. Where the Chief Custody Officer, in</p>

consultation with the medical officer, considers that it is in the interests of health and safety for a detained person to be segregated from other detained persons, the Chief Custody Officer may take any measures which he or she considers appropriate and proportionate to the situation. In such cases, regulation 201 shall apply <i>mutatis mutandis</i> .	consultation with the medical officer, considers that it is in the interests of health and safety for a detained person to be segregated from other detained persons, the Chief Custody Officer may take any measures which he or she considers appropriate and proportionate to the situation. In such cases, regulation 201 shall apply <i>mutatis mutandis</i>.
---	---

Regulation 154	
Current	Amendment Proposal
<p>Regulation 154 Medical Services</p> <p>1. A designated area within the detention centre shall be equipped and furnished appropriately for the provision of medical care and treatment.</p> <p>2. If hospitalisation is considered necessary, the detained person shall be transferred to a hospital without delay in accordance with regulation 103, sub-regulation 5 of the Regulations of the Court.</p>	<p>Regulation 154 Medical Services</p> <p>1. A designated area within the detention centre shall be equipped and furnished appropriately for the provision of medical care and treatment.</p> <p>2. If hospitalisation is considered necessary, the detained person shall be transferred to a hospital without delay in accordance with regulation 103, sub-regulation 5 of the Regulations of the Court.</p> <p>3. Detained persons shall enjoy the same standards of health care that are available in the host State.</p>

Regulation 155	
Current	Amendment Proposal
<p>Regulation 155 Medical Officer</p> <p>1. The medical officer shall have responsibility for the physical and mental health of detained persons.</p>	<p>Regulation 155 Medical Officer</p> <p>1. The medical officer shall have responsibility for the physical and mental health of detained persons.</p> <p>2. Decisions of a medical nature may only be taken by the medical officer or other medical staff designated by him or her. Non-medical staff shall not take any decisions of a medical</p>

	<p>nature or implement any measures on medical grounds, unless acting pursuant to instructions of the medical officer or other medical staff designated by him or her. The medical officer shall have no role in the imposition of disciplinary measures or other restrictive measures on non-medical grounds.</p>
<p>2. The medical officer shall inform the Chief Custody Officer in writing whenever he or she considers that the physical or mental health of a detained person has been or will be adversely affected by any condition of or treatment in detention.</p>	<p>23. The medical officer shall inform the Chief Custody Officer in writing whenever he or she considers that the physical or mental health of a detained person has been or will be adversely affected by any condition of or treatment in detention. In particular, the medical officer shall pay particular attention to the health of a detained person held in segregation pursuant to regulations 201, 202 and 202bis, confined to a cell pursuant to regulation 211, sub-regulation (f) or isolated pursuant to regulation 212. The medical officer, or other medical staff designated by him or her, shall visit such a detained person at least on a daily basis and ensure prompt medical assistance and treatment at the request of the detained person.</p>
<p>3. The Chief Custody Officer shall in turn inform the Registrar without delay. The Chief Custody Officer shall confirm such information to the Registrar in writing. The Registrar shall take all action considered necessary and subsequently inform the Presidency and the Chamber in writing.</p>	<p>34. The Chief Custody Officer shall in turn inform the Registrar without delay. The Chief Custody Officer shall confirm such information to the Registrar in writing. The Registrar shall take all action considered necessary and subsequently inform the Presidency and the Chamber in writing.</p>
<p>4. The Chief Custody Officer and the medical officer shall make arrangements for an assessment of detained persons at the time of their admission as to whether their physical and mental health is at risk. Where necessary, special arrangements shall be put in place for the observation of such persons at risk. In particular, the Chief Custody Officer shall ensure that a detained person deemed to be at risk is located in a cell from which all means of inflicting self-harm have been removed.</p>	<p>45. The Chief Custody Officer and the medical officer shall make arrangements for an assessment of detained persons at the time of their admission as to whether their physical and mental health is at risk. Where necessary, special arrangements shall be put in place for the observation of such persons at risk. In particular, the Chief Custody Officer shall ensure that a detained person deemed to be at risk is located in a cell from which all means of inflicting self-harm have been removed.</p>
<p>5. The medical officer, in coordination with the Chief Custody Officer, shall regularly and at least twice a year, inspect and report to the Chief Custody Officer on, <i>inter alia</i>, the</p>	<p>56. The medical officer, in coordination with the Chief Custody Officer, shall regularly and at least twice a year, inspect and report to the Chief Custody Officer on, <i>inter alia</i>, the</p>

<p>following:</p> <p>(a) The quantity, quality, preparation and service of water and food;</p> <p>(b) The hygiene and cleanliness of the detention centre and of the detained persons;</p> <p>(c) The sanitation, heating, lighting and ventilation of the detention centre;</p> <p>(d) The suitability and cleanliness of the detained persons' clothing and bedding;</p> <p>(e) The observance of the rules concerning physical education and sports, in cases where there are no specialised personnel in charge of these activities.</p>	<p>following:</p> <p>(a) The quantity, quality, preparation and service of water and food;</p> <p>(b) The hygiene and cleanliness of the detention centre and of the detained persons;</p> <p>(c) The sanitation, heating, lighting and ventilation of the detention centre;</p> <p>(d) The suitability and cleanliness of the detained persons' clothing and bedding;</p> <p>(e) The observance of the rules concerning physical education and sports, in cases where there are no specialised personnel in charge of these activities.</p>
<p>6. The medical officer shall define, in consultation with the Chief Custody Officer, the protocol for the possession and use of medication by a detained person.</p>	<p>67. The medical officer shall define, in consultation with the Chief Custody Officer, the protocol for the possession and use of medication by a detained person.</p>
	<p>8. Any recommendation by the medical officer relating to a detained person's physical or mental health shall be given due consideration by the Chief Custody Officer. The detained person shall be informed whenever such recommendation is not implemented.</p>

II. Isolation

It is proposed to remove any involvement of the medical officer in validating decisions concerning isolation. The proposed amendment introduces a number of further safeguards concerning the use of isolation. In addition, it is proposed to move regulations 212 and 213 out of section 4 'Discipline and Control' and into section 3 'Management of the Detention Centre' to avoid giving any impression that isolation is a disciplinary measure.

Regulation 212	
Current	Proposed Amendment
<p>Regulation 212 Isolation</p> <p>1. A detained person may only be confined to an isolation cell by order of the Chief Custody Officer in order to prevent the detained person from inflicting injury on himself or herself, or on other detained persons, and, in exceptional</p>	<p>Regulation 212 (new regulation 205) Isolation</p> <p>1. A detained person may only be confined to an isolation cell by order of the Chief Custody Officer in order to prevent the detained person from inflicting injury on himself or herself, or on another detained persons, and, in exceptional</p>

<p>circumstances, to preserve the security and good order of the detention centre. Under no circumstances, shall isolation be used as a disciplinary measure.</p>	<p>circumstances, to preserve the security and good order of the detention centre. Under no circumstances, shall isolation be used as a disciplinary measure. Such a measure may be resorted to only when it is absolutely necessary and proportionate, and where less restrictive measures, such as segregation, are not sufficient.</p>
	<p>2. Under no circumstances, shall isolation be used as a disciplinary measure.</p>
<p>2. The Chief Custody Officer shall keep a log of all events concerning the detained person's confinement to the isolation cell.</p>	<p>23. The Chief Custody Officer shall keep a log of all events concerning the detained person's confinement to the isolation cell.</p>
<p>3. The Chief Custody Officer shall inform the medical officer of all cases of use of the isolation cell. The medical officer shall provide a written evaluation as to whether the detained person is physically and mentally fit for such isolation.</p>	<p>34. The Chief Custody Officer shall inform the medical officer of all cases of use of the isolation cell. The medical officer shall provide a written evaluation as to whether the detained person is physically and mentally fit for such isolation. and shall report to the Registrar within 24 hours of the commencement of confinement to the isolation cell. The Registrar may revoke the isolation or vary the conditions thereof at any time.</p>
<p>4. No detained person may be kept in the isolation cell for more than seven consecutive days without review.</p>	<p>45. No detained person may be kept in the isolation cell for more than seven consecutive days without review.</p>
<p>5. If further isolation is necessary, the Chief Custody Officer shall report the matter to the Registrar before the end of the seven-day period. The medical officer shall confirm in writing the physical and mental fitness of a detained person to continue such isolation.</p>	<p>56. If further isolation is necessary required in accordance with sub-regulation 1 above, the Chief Custody Officer shall report the matter to the Registrar before the end of the seven-day period. The medical officer shall confirm in writing the physical and mental fitness of a detained person to continue such isolation.</p>
<p>6. Every extension of use of the isolation cell shall be subject to the same procedure as set out in sub-regulation 5.</p>	<p>67. Every extension of use of the isolation cell shall be subject to the same procedure as set out in sub-regulation 56.</p>
<p>7. A detained person who has been confined to the isolation cell shall be visited by the Chief Custody Officer and the medical officer or his or her deputy each day.</p>	<p>78. A detained person who has been confined to the isolation cell shall be visited by the Chief Custody Officer and the medical officer or his or her deputy each day.</p>
<p>8. A detained person who has been confined to the isolation cell may request medical assistance at any time. Such assistance shall be provided as soon as possible and, in any event, within 24 hours of the request.</p>	<p>89. A detained person who has been confined to the isolation cell may request medical assistance at any time. Such assistance shall be provided as soon as possible and, in any event, within 24 hours of the request.</p>
<p>9. A detained person confined to the isolation</p>	<p>910. A detained person confined to the isolation</p>

<p>cell may file a complaint in accordance with the complaints procedure set out in section 5 of this chapter.</p>	<p>cell may file a complaint in accordance with the complaints procedure set out in section 5 of this chapter. A detained person confined to isolation shall benefit, at minimum and on a voluntary basis, from at least one hour daily of suitable exercise in the open air, pursuant to regulation 165, and from at least two hours a day of meaningful human contact. Contact with family may not be prohibited on the sole ground that the detained person is confined to isolation.</p>
	<p>11. Regulation 155 shall apply <i>mutatis mutandis</i> for the medical care and treatment of an isolated detained person.</p>

III. Disciplinary matters

It is proposed to add a number of additional underlying principles derived from the *Nelson Mandela Rules* and ensure consistency of language with the interpretation given by the Presidency in a previous decision. A number of amendments are also proposed to regulations 215 and 216, concerning the right to address the Registrar and the Presidency in relation to disciplinary matters.

Regulation 206	
Current	Proposed Amendment
<p>Regulation 206 Prohibition of imposition of disciplinary measures without due process</p> <p>No disciplinary measures shall be imposed on a detained person without due process in accordance with these Regulations. No detained person shall be subjected to a disciplinary measure twice for the same act.</p>	<p>Regulation 206 (new regulation 208) Prohibition of imposition of disciplinary measures without due process</p> <p>No disciplinary measures shall be imposed on a detained person without due process in accordance with these Regulations. The Chief Custody Officer shall ensure that the disciplinary measure is necessary and proportionate to the offence. Conduct of a detained person that is considered to be the direct result of his or her mental illness or intellectual disability shall not be sanctioned. No detained person shall be subjected to a disciplinary measure twice for the same act.</p>

Regulation 207

Current	Proposed Amendment
<p>Regulation 207 Disciplinary offences The following conduct shall constitute a disciplinary offence:</p> <p>[...]</p> <p>(f) Verbal abuse directed at a member of staff of the detention centre, another detained person or any visitor to the detention centre;</p>	<p>Regulation 207 (new regulation 209) Disciplinary offences The following conduct shall constitute a disciplinary offence:</p> <p>[...]</p> <p>(f) Verbal Oral or written abuse directed at a member of staff of the detention centre, another detained person or any visitor to the detention centre;</p>

Regulation 211	
Current	Proposed Amendment
<p>Regulation 211 Disciplinary measures</p> <p>The Chief Custody Officer may impose any of the following disciplinary measures, or all or any combination thereof, as he or she sees fit:</p> <p>(a) Confiscation of an offending item;</p> <p>(b) Removal or reduction of privileges or of the use of personal possessions, e.g. television, radio or books, for a period not exceeding two weeks;</p> <p>(c) Oral or written warning;</p> <p>(d) Written notice of suspended punishment to come into effect immediately upon a further breach of these Regulations within a period of three months of the date of the initial offence;</p>	<p>Regulation 211 (new regulation 213) Disciplinary measures</p> <p>The Chief Custody Officer may impose any of the following disciplinary measures, or all or any combination thereof, as he or she sees fit:</p> <p>(a) Confiscation of an offending item;</p> <p>(b) Removal or reduction of privileges or of the use of personal possessions, e.g. television, radio or books, for a period not exceeding two weeks;</p> <p>(c) Oral or written warning;</p> <p>(d) Written notice of suspended punishment to come into effect immediately upon a further breach of these Regulations within a period of three months of the date of the initial offence;</p> <p>(e) Temporary Loss of earnings, if applicable; and</p> <p>(f) Confinement to a cell, for a period not exceeding two weeks. Confinement to a cell shall be prohibited in the case of detained persons with</p>

<p>(e) Loss of earnings, if applicable; and</p> <p>(f) Confinement to a cell.</p>	<p>mental or physical disabilities when their condition would be exacerbated by such a measure. The detained person shall benefit from meaningful human contact for at least two hours per day.</p>
---	---

Regulation 215	
Current	Proposed Amendment
<p>Regulation 215 Right to address the Registrar</p> <p>1. The detained person shall be informed of his or her right to address the Registrar on the issue of both the determination of a disciplinary offence and the disciplinary measure imposed by the Chief Custody Officer.</p>	<p>Regulation 215 Right to address the Registrar</p> <p>1. The detained person shall be informed of his or her right to address the Registrar on the issue of both the determination of a disciplinary offence and the disciplinary measure(s) imposed by the Chief Custody Officer.</p>
<p>2. Within four calendar days of the notification of the imposition of the disciplinary measure in accordance with regulation 214, the detained person shall give written notice to the Chief Custody Officer of his or her wish to address the Registrar.</p>	<p>2. Within four calendar days of the notification of the imposition of the disciplinary measure in accordance with regulation 214, the detained person shall give written notice to the Chief Custody Officer of his or her wish to address the Registrar.</p>
<p>3. The Chief Custody Officer shall record such notice and inform the Registrar immediately thereof.</p>	<p>3. The Chief Custody Officer shall record such notice and inform the Registrar immediately thereof.</p>
<p>4. The detained person may request the Registrar to review the disciplinary measures within fourteen calendar days of giving notice to the Chief Custody Officer.</p>	<p>4. The detained person may request the Registrar to review the determination of the disciplinary offence and/or the disciplinary measure(s) within fourteen calendar days of giving notice to the Chief Custody Officer.</p>
<p>5. The Registrar shall decide upon the detained person's request within fourteen calendar days of its receipt.</p>	<p>5. The Registrar shall decide upon the detained person's request within fourteen calendar days of the date of its receipt.</p>
<p>6. Counsel for the detained person may assist him or her in connection with any such request. Where the detained person does not have appointed counsel, he or she may be assisted by the duty counsel.</p>	<p>6. Counsel for the detained person may assist him or her in connection with any such request. Where the detained person does not have appointed counsel, he or she may be assisted by the duty counsel.</p>
<p>7. Any disciplinary measure imposed by the Chief Custody Officer shall continue in full</p>	<p>7. Any disciplinary measure imposed by the Chief Custody Officer shall continue in full</p>

force and effect pending the decision of the Registrar, unless otherwise decided by the latter.	force and effect pending the decision of the Registrar, unless otherwise decided by the latter.
8. The decision of the Registrar shall be notified to the detained person in a language the detained person fully understands and speaks.	8. The decision of the Registrar shall be notified to the detained person in a language the detained person fully understands and speaks.
9. The Registrar may order the restoration of confiscated items or privileges, repayment of any fine imposed, cancellation of any warning or suspended disciplinary measures or end of confinement to the cell. The Registrar may take any other action he or she sees fit in the circumstances.	9. The Registrar may order the restoration of confiscated items or privileges, repayment of any fine imposed, cancellation of any warning or suspended disciplinary measures or end of confinement to the cell. The Registrar may take any other action he or she sees fit in the circumstances.

Regulation 216	
Current	Proposed Amendment
<p>Regulation 216 Right to address the Presidency</p> <p>1. A detained person shall be informed of his or her right to address the Presidency concerning the decision taken by the Registrar.</p>	<p>Regulation 216 Right to address the Presidency</p> <p>1. A detained person shall be informed of his or her right to address the Presidency concerning the decision taken by the Registrar.</p>
<p>2. Regulation 215 shall apply <i>mutatis mutandis</i>.</p>	<p>2. Regulation 215 shall apply <i>mutatis mutandis</i>. The detained person may request judicial review of the decision of the Registrar within fourteen calendar days of its notification.</p>
<p>3. At the request of the Presidency, the Registrar shall make available the entire record of the investigation, as described under regulation 214, sub-regulation 1.</p>	<p>3. At the request of the Presidency, the Registrar shall make available the entire record of the investigation, as described under regulation 214, sub-regulation 1. No later than two working days after the Presidency has been seized of the matter, the Registrar shall file before the Presidency the entire record of the investigation, as described under regulation 214, sub-regulation 1, the request(s) for review and the decision taken by the Registrar.</p>
	<p>4. Applications for judicial review before the Presidency pursuant to this regulation shall be considered promptly.</p>
	<p>5. Counsel for the detained person may assist him or her in connection with any such request. Where the detained person does not have appointed counsel, he or she may be assisted by the duty counsel.</p>
	<p>6. Any disciplinary measure(s) imposed by the Chief Custody Officer and upheld by the Registrar shall continue</p>

	in full force and effect pending the decision of the Presidency, unless otherwise decided by the latter.
	7. The Presidency may order the restoration of confiscated items or privileges, repayment of any fine imposed, cancellation of any warning or suspended disciplinary measures or end of confinement to the cell. The Presidency may take any other action it sees fit in the circumstances.

IV. Use of force

It is proposed to ensure that the medical officer is not involved in assessing matters relating to the use of force.

Regulation 204	
Current	Amendment Proposal
Regulation 204 Situations in which the use of force may be necessary	Regulation 204 Situations in which the use of force may be necessary
1. Force shall only be used against a detained person as a last resort. The staff of the detention centre shall use the minimum force necessary to restrain the detained person and restore order.	1. Force shall only be used against a detained person as a last resort. The staff of the detention centre shall use the minimum force necessary to restrain the detained person and restore order.
2. The staff of the detention centre may use force against a detained person in the following circumstances: (a) In self-defence, or in defence of a detained person or any other person in the detention centre; or (b) In cases of: (i) Attempted escape; or (ii) Active or passive resistance to an order based upon these Regulations or any regulation regarding detention matters.	2. The staff of the detention centre may use force against a detained person in the following circumstances: (a) In self-defence, or in defence of a detained person or any other person in the detention centre; or (b) In cases of: (i) Attempted escape; or (ii) Active or passive resistance to an order based upon these Regulations or any regulation regarding detention matters.
3. Members of staff who need to use force against a detained person in the course of their duty shall report the incident immediately to the Chief Custody Officer, who shall provide a report to the Registrar.	3. Members of staff who need to use force against a detained person in the course of their duty shall report the incident immediately to the Chief Custody Officer, who shall provide a report to the Registrar.
4. The Chief Custody Officer shall ensure that	4. The Chief Custody Officer shall ensure that

<p>the detained person against whom force has been used is examined as soon as possible and, where necessary, treated by the medical officer. The medical examination shall be conducted in private and in the absence of any non-medical staff, save where requested by the medical officer, in which case the non-medical staff must not have been involved in the use of force as governed by the above sub-regulations.</p>	<p>the detained person against whom force has been used is examined as soon as possible and, where necessary, treated by the medical officer by the medical officer for the sole purpose of determining whether treatment is required. The medical examination shall be conducted in private and in the absence of any non-medical staff, save where requested by the medical officer, in which case the non-medical staff must not have been involved in the use of force as governed by the above sub-regulations. In case treatment is required, the medical officer shall take proper action.</p>
	<p>5. The Chief Custody Officer shall ensure that the detained person against whom force has been used is thereafter examined under the conditions described in sub-regulation 4 by an external medical practitioner as soon as possible. Notwithstanding regulation 157, sub-regulation 1, costs for the medical examination by the external medical practitioner under the present regulation shall be borne by the Court.</p>
<p>5. The results of the examination, including any relevant statement by the detained person, and the medical officer's opinion, shall be formally recorded and made available to:</p> <p>(a) The detained person, in a language he or she fully understands and speaks;</p> <p>(b) The Chief Custody Officer;</p> <p>(c) The Registrar; and</p> <p>(d) The Presidency.</p>	<p>56. The results of the all medical examinations conducted under sub-regulations 4 and 5, including any relevant statement by the detained person, and the medical officer's opinion, shall be formally recorded and made available to:</p> <p>(a) The detained person, in a language he or she fully understands and speaks;</p> <p>(b) The Chief Custody Officer;</p> <p>(c) The Registrar; and</p> <p>(d) The Presidency.</p>
<p>6. The Chief Custody Officer shall keep a log of every instance of the use of force against a detained person.</p>	<p>67. The Chief Custody Officer shall keep a log of every instance of the use of force against a detained person.</p>
<p>7. A detained person against whom force has been used may file a complaint in accordance with the complaints procedure set out in section 5 of this chapter.</p>	<p>7. A detained person against whom force has been used may file a complaint in accordance with the complaints procedure set out in section 5 of this chapter.</p>

V. Instruments of restraint

It is proposed to remove any requirement for the medical officer to validate the use of instruments of restraint (for non-medical reasons), based on the principle that such validation may present an ethical concern for the medical officer. In addition, a number of further modifications are proposed in order to ensure consistency with the principles contained in rule 48 of the *Nelson Mandela Rules*.

Regulation 203	
Current	Proposed Amendment
<p>Regulation 203 Instruments of restraint</p> <p>1. Instruments of restraint shall never be used as a disciplinary measure.</p>	<p>Regulation 203 Instruments of restraint</p> <p>1. Instruments of restraint shall never be used as a disciplinary measure. They shall never be used on women during labour, during childbirth and immediately after childbirth.</p>
<p>2. Chains or irons shall never be used as restraints. Handcuffs, restraint-jackets and other body restraints shall never be applied as disciplinary measure. They shall only be used in the following circumstances:</p> <p>(a) As a precaution against escape during transport from and to the detention centre or from and to any other place;</p> <p>(b) On medical grounds, by direction and under the supervision of the medical officer; or</p> <p>(c) To prevent a detained person from inflicting injury to himself or herself or to others, or to prevent serious damage to property.</p>	<p>2. Chains or irons shall never be used as restraints. Handcuffs, restraint-jackets and other body restraints shall never be applied as disciplinary measure. They shall only be used in the following circumstances:</p> <p>(a) As a precaution against escape during transport from and to the detention centre or from and to any other place;</p> <p>(b) On purely medical grounds, by decision direction and under the exclusive supervision of the medical officer; or</p> <p>(c) To prevent a detained person from inflicting injury to himself or herself or to others, or to prevent serious damage to property.</p>
<p>3. In the event of any incident arising in the use of instruments of restraint, the Chief Custody Officer shall consult the medical officer and</p>	<p>3. Instruments of restraint are to be imposed only when no lesser form of control would be effective to address the circumstances warranting their imposition. The instruments of restraint shall be the least intrusive method that is necessary and reasonably available to control the movement of the detained person, based on the circumstances.</p> <p>34. In the event of any incident arising in the use of instruments of restraint, the Chief Custody Officer shall consult inform the</p>

report to the Registrar, who shall report the matter to the Presidency.	medical officer and report to the Registrar, who shall report the matter to the Presidency.
4. The medical officer shall inform the Chief Custody Officer and the Registrar in writing as to whether he or she concurs with the use of a particular instrument of restraint and the Chief Custody Officer shall give effect to any recommendation the medical officer may make.	4. The medical officer shall inform the Chief Custody Officer and the Registrar in writing as to whether he or she concurs with the use of a particular instrument of restraint and the Chief Custody Officer shall give effect to any recommendation the medical officer may make.
5. Instruments of restraint shall be removed at the earliest possible opportunity. In cases falling within subregulations 2(b) or 2(c), a record of the time of application and removal of the instruments shall be kept.	5. Instruments of restraint shall be removed at the earliest possible opportunity. Instruments of restraint shall be imposed only for the time period required. They shall be removed as soon as possible after the risks posed by unrestricted movement are no longer present. In cases falling within subregulations 2(b) or 2(c), a record of the time of application and removal of the instruments shall be kept.
6. If the use of any instrument of restraint is required under sub-regulation 2, the detained person shall be kept under constant and adequate supervision.	6. If the use of any instrument of restraint is required under sub-regulation 2, the detained person shall be kept under constant and adequate supervision.

VI. Personal search

It is proposed to clarify the requirements of necessity and proportionality in the use of force during personal searches.

Regulation 194	
Current	Amendment Proposal
Regulation 194 Personal search	Regulation 194 Personal search
1. The Chief Custody Officer may order that a detained person be searched without undressing at such times as is considered necessary for the safety, security and good order of the detention centre.	1. The Chief Custody Officer may order that a detained person be searched without undressing at such times as is considered necessary for the safety, security and good order of the detention centre.
2. On arrival at the detention centre, the Chief Custody Officer shall order that a detained person be searched in accordance with sub-regulations 4 to 8 below for items that may	2. On arrival at the detention centre, the Chief Custody Officer shall order that a detained person be searched in accordance with sub-regulations 4 to 8 below for items that may

<p>constitute a danger to: (a) The maintenance of the security and good order of the detention centre, or (b) The detained person, any other detained person, any member of the staff of the detention centre or any visitor to the detention centre.</p>	<p>constitute a danger to: (a) The maintenance of the security and good order of the detention centre, or (b) The detained person, any other detained person, any member of the staff of the detention centre or any visitor to the detention centre.</p>
<p>3. In all other circumstances, where the Chief Custody Officer has reason to believe that a detained person is in possession of a prohibited item as referred to in sub-regulation 2, and that such item may only be discovered by removing all of his or her clothes, the Chief Custody Officer may direct that the detained person submit to such a search.</p>	<p>3. In all other circumstances, where the Chief Custody Officer has reason to believe that a detained person is in possession of a prohibited item as referred to in sub-regulation 2, and that such item may only be discovered by removing all of his or her clothes, the Chief Custody Officer may direct that the detained person submit to such a search.</p>
<p>4. Where a detained person is required to remove all of his or her clothes, the search shall be conducted in such a way as to ensure that the detained person is not totally naked at any time and, to the extent possible, with respect for his or her cultural sensibilities.</p>	<p>4. Where a detained person is required to remove all of his or her clothes, the search shall be conducted in such a way as to ensure that the detained person is not totally naked at any time and, to the extent possible, with respect for his or her cultural sensibilities.</p>
<p>5. A detained person shall not undress, or be required to undress, in the sight of another detained person and any search in these circumstances shall only be carried out in the presence of members of staff of the same gender as the detained person. In such circumstances, no more than two members of staff shall search a detained person.</p>	<p>5. A detained person shall not undress, or be required to undress, in the sight of another detained person and any search in these circumstances shall only be carried out in the presence of members of staff of the same gender as the detained person. In such circumstances, no more than two members of staff shall search a detained person.</p>
<p>6. This regulation does not allow the search or examination of a body cavity, other than the requirement for the detained person to open his or her mouth to permit a visual inspection.</p>	<p>6. This regulation does not allow the search or examination of a body cavity, other than the requirement for the detained person to open his or her mouth to permit a visual inspection.</p>
<p>7. Where a detained person refuses to cooperate with a search, the Chief Custody Officer may authorise the use of the minimum force necessary to carry out the search as a last resort after verbal warnings have failed. Regulation 204 shall apply <i>mutatis mutandis</i>.</p>	<p>7. Where a detained person refuses to cooperate with a search, the Chief Custody Officer may authorise the use of the minimum force necessary to carry out the search as a last resort after verbal warnings have failed. Any force used shall be no greater than the minimum necessary and proportionate to the circumstances. Regulation 204 shall apply <i>mutatis mutandis</i>.</p>

8. Items removed shall be treated as provided for in regulation 192, sub-regulations 3 and 4.	8. Items removed shall be treated as provided for in regulation 192, sub-regulations 3 and 4.
---	---

VII. Spiritual visits

A number of minor modifications concerning the spiritual welfare of detained persons are suggested, in line with the *Nelson Mandela Rules*.

Regulation 153	
Current	Amendment Proposal
Regulation 153 Spiritual welfare	Regulation 153 Spiritual welfare
1. Subject to the provisions of regulation 102 of the Regulations of the Court, the Registrar shall make arrangements for visits by a minister or spiritual adviser of each religion or belief held by any detained person, for the purpose of providing spiritual services.	1. Subject to the provisions of regulation 102 of the Regulations of the Court, the Registrar shall make arrangements for visits by a minister or spiritual adviser of each religion or belief held by any detained person, for the purpose of providing spiritual services.
2. Such a minister or spiritual adviser shall be permitted to hold regular services and activities within the detention centre and to pay pastoral visits to detained persons of his or her religion or belief, subject to the provisions of regulations 180,181, 183 and 184.	2. Such a minister or spiritual adviser shall be permitted to hold regular services and activities within the detention centre and to pay pastoral spiritual visits to detained persons of his or her religion or belief, subject to the provisions of regulations 180,181, 183 and 184.
3. The Registrar, in consultation with the Chief Custody Officer, shall locate and provide an area within the detention centre where spiritual services and activities can take place in accordance with sub-regulation 2.	3. The Registrar, in consultation with the Chief Custody Officer, shall locate and provide an area within the detention centre where spiritual services and activities can take place in accordance with sub-regulation 2.
4. In the event that access to a minister or spiritual adviser is denied, a detained person may file a complaint in accordance with the complaints procedure set out in section 5 of this chapter.	4. In the event that access to a minister or spiritual adviser is denied, a detained person may file a complaint in accordance with the complaints procedure set out in section 5 of this chapter.

Regulation 183	
Current	Amendment Proposal
Regulation 183 Supervision of visits	Regulation 183 Supervision of visits

<p>1. Visits shall be conducted within the sight and hearing of the staff of the detention centre and shall be monitored by video surveillance. In addition to visits falling within regulations 97, sub-regulation 2, and 98, sub-regulation 2 of the Regulations of the Court, visits from representatives of the Registry, a Chamber or the Presidency shall be conducted without video surveillance and within the sight but not the hearing, either direct or indirect, of the staff of the detention centre. Such supervision shall equally apply to confessions heard by persons referred to in regulation 153. Visits from representatives of the independent inspecting authority and private visits as referred to in regulation 185 shall not be supervised.</p>	<p>1. Visits shall be conducted within the sight and hearing of the staff of the detention centre and shall be monitored by video surveillance. In addition to visits falling within regulations 97, sub-regulation 2, and 98, sub-regulation 2 of the Regulations of the Court, visits from representatives of the Registry, a Chamber or the Presidency shall be conducted without video surveillance and within the sight but not the hearing, either direct or indirect, of the staff of the detention centre. Such supervision shall equally apply to confessions heard spiritual visits to an individual detained person paid by persons referred to in regulation 153. Visits from representatives of the independent inspecting authority and private visits as referred to in regulation 185 shall not be supervised.</p>
<p>2. Where the member of staff supervising the visit believes that these Regulations or any regulation regarding detention matters are being breached in any way, he or she may terminate the visit, relocate the visitor and the detained person to separate and secure areas and immediately report the matter to the Chief Custody Officer.</p>	<p>2. Where the member of staff supervising the visit believes that these Regulations or any regulation regarding detention matters are being breached in any way, he or she may terminate the visit, relocate the visitor and the detained person to separate and secure areas and immediately report the matter to the Chief Custody Officer.</p>
<p>3. The Chief Custody Officer shall decide whether or not to confirm the decision taken by the staff member. In the event that the decision of the staff member is confirmed by the Chief Custody Officer, he or she shall report the matter to the Registrar.</p>	<p>3. The Chief Custody Officer shall decide whether or not to confirm the decision taken by the staff member. In the event that the decision of the staff member is confirmed by the Chief Custody Officer, he or she shall report the matter to the Registrar.</p>

VIII. Care of infants

Pursuant to regulation 104(2) of the Regulations of the Court, an infant may be authorised to stay in the detention centre. Regulation 161 further regulates this possibility. It is proposed to modify sub-regulation 3 of regulation 161 and add a sub-regulation 4 in order to incorporate a number of specifications regarding the care of infants provided in the *Nelson Mandela Rules*.

Regulation 161	
Current	Amendment Proposal
Regulation 161 Arrangements for the care of infants	Regulation 161

	Arrangements for the care of infants
<p>1. The Chief Custody Officer shall inform the Registrar when a detained person is pregnant. In such a situation, special accommodation for all necessary pre-natal and post-natal care and treatment shall be made available within the detention centre, in accordance with regulation 104 of the Regulations of the Court.</p>	<p>1. The Chief Custody Officer shall inform the Registrar when a detained person is pregnant. In such a situation, special accommodation for all necessary pre-natal and post-natal care and treatment shall be made available within the detention centre, in accordance with regulation 104 of the Regulations of the Court.</p>
<p>2. In the event of a birth taking place within the detention centre, this fact shall not be mentioned on the birth certificate.</p>	<p>2. In the event of a birth taking place within the detention centre, this fact shall not be mentioned on the birth certificate.</p>
<p>3. Where an infant is authorised to remain or stay within the detention centre as provided for in regulation 104 of the Regulations of the Court, the infant shall be in the care of his or her parent(s). To this effect, a cell with suitable facilities to assist the parent in the management and care of the infant shall be made available by the Registrar within the detention centre. Nursing by qualified persons shall be provided to the infant when he or she is not under parental care.</p>	<p>3. Where an infant is authorised to remain or stay within the detention centre as provided for in regulation 104 of the Regulations of the Court, A decision taken pursuant to regulation 104 of the Regulations of the Court to authorise an infant to remain or stay within the detention centre shall be based on the best interests of the infant concerned. In such a case, the infant shall be in the care of his or her parent(s) and shall never be treated as a detained person. Child-specific healthcare services, including health screening upon admission and ongoing monitoring of development by specialists, shall be provided to the infant. To this effect, a cell with suitable facilities to assist the parent in the management and care of the infant shall be made available by the Registrar within the detention centre. Nursing by qualified persons shall be provided to the infant when he or she is not under parental care.</p>
	<p>4. If an infant is authorised to remain or stay within the detention centre, a cell with suitable facilities to assist the parent in the management and care of the infant shall be made available by the Registrar within the detention centre. Nursing by qualified persons shall be provided to the infant when he or she is not under parental care.</p>

IX. Complaints procedure

The following amendment proposals aim to set out in a more straightforward manner the complaints procedure, which is easier for detained persons and their counsel to understand. The overall structure of the complaints procedure is that a complaint will proceed as follows: (1) an initial complaint, (2) a review by the Registrar (if applicable) and (3) judicial review by the Presidency.

Section 5 Complaints Procedure
Proposed Amendment
<p><i>It is proposed that the following regulations are deleted in their entirety: regulations 216 bis, 217, 218, 219, 220, 220 bis, 221 and 222. They would be replaced by the following provisions</i></p> <p>Regulation 217 General provisions</p> <ol style="list-style-type: none"> 1. At any time, a detained person may make a complaint against any matter concerning his or her detention. 2. Such complaints shall be made in writing. If a detained person is unable to make a complaint in writing, the Chief Custody Officer shall record the complaint in writing for the detained person. A detained person may discontinue a complaint at any time, in writing. 3. At all times during the procedure, the detained person shall be entitled to: <ol style="list-style-type: none"> (a) The assistance of his or her counsel. Where the detained person has no appointed counsel, he or she may be assisted by the duty counsel; and (b) Request the variation of any applicable time limit, for good cause. 4. A complaint under regulation 218, sub-regulation 1, an application for review under regulation 219, sub-regulation 1 and an application for judicial review under regulation 220, sub-regulation 1 shall not be censored by the staff of the detention centre and shall be transmitted to the Chief Custody Officer, the Registrar or the Presidency, as appropriate, without delay. 5. All decisions on complaints shall be made in writing. 6. The time limits prescribed in this section shall be calculated in the manner set out in regulation 33 of the Regulations of the Court.
<p>Regulation 218 Procedure for complaints concerning detention</p>

1. A complaint under regulation 217, sub-regulation 1 shall be addressed to the Chief Custody Officer, unless it concerns a decision or order which has been made by the Registrar, in which case it shall be addressed directly to the Registrar.
2. In confidential matters, a detained person may make a sealed written complaint. If, in order to properly consider or investigate the matter, it is necessary to make the content of the complaint known to a staff member of the detention centre, the detained person shall be so informed.
3. The Chief Custody Officer or the Registrar, as the case may be, shall promptly acknowledge receipt of the complaint in writing.
4. The Chief Custody Officer or the Registrar, as the case may be, shall consider and, where relevant, investigate the complaint thoroughly and efficiently, seeking the views of all persons involved.
5. The Chief Custody Officer or the Registrar, as the case may be, shall take a decision on the complaint within 14 calendar days of receipt.
6. Decisions of the Chief Custody Officer on complaints are subject to review by the Registrar pursuant to regulation 219. Decisions of the Registrar on complaints are subject to judicial review by the Presidency pursuant to regulation 220.

Regulation 219

Procedure for review by the Registrar of decisions made by the Chief Custody Officer

1. Where the decision on the complaint has been taken by the Chief Custody Officer under regulation 218, sub-regulation 5, the detained person may address the Registrar for review of the decision, using the standard approved form, within 7 calendar days of notification of the decision. A detained person may address the Registrar on a confidential basis, in which case regulation 218, sub-regulation 2 shall apply.
2. The Registrar shall promptly acknowledge receipt of the request for review in writing.
3. The Registrar shall consider the complaint anew and shall take a decision thereon, in writing, within 14 calendar days of the request for review.
4. Decisions of the Registrar on requests for review are subject to judicial review by the

Presidency pursuant to regulation 220.

Regulation 220

Procedure for judicial review by the Presidency of decisions taken by the Registrar

1. The detained person may apply to the Presidency for judicial review of a decision of the Registrar taken under either regulation 218, sub-regulation 5 or regulation 219, sub-regulation 3, within 7 calendar days of its notification.
2. The detained person may make his or her application before the Presidency on a confidential basis, in which case he or she shall state the factual and/or legal basis for such classification, in accordance with regulation 23*bis*, sub-regulation 1 of the Regulations of the Court.
3. No later than two working days after the Presidency has been seized of the matter, the Registrar shall file before the Presidency: the complaint made under regulation 218, sub-regulation 1, the request for review made under regulation 219, sub-regulation 1 (if any), the impugned decision(s) and any other supporting documents, including all information obtained in the course of the investigation or consideration of the complaint.
4. The Registrar may file observations in relation to the application for judicial review within 7 calendar days of its notification.
5. Applications for judicial review before the Presidency pursuant to this regulation shall be considered promptly.

Regulation 221

Log of complaints

1. A log shall be kept by the Chief Custody Officer of all complaints and of the action taken in respect thereof. The log shall include:
 - (a) The name of the detained person;
 - (b) The complaint reference number;
 - (c) The date and time the complaint was received;
 - (d) The nature of the complaint;
 - (e) A copy of all decisions taken pursuant to regulation 218, sub-regulation 5, regulation 219, sub-regulation 3 and regulation 220;
 - (f) Any relevant information concerning the implementation of all decisions referred to in sub-regulation (1)(e); and
 - (g) If a complaint is discontinued by a detained person, the time and date of such

discontinuance.

2. All decisions taken under regulation 218, sub-regulation 5 and regulation 219, sub-regulation 3 shall be transmitted to the Presidency. Every six months, the Registrar shall transmit to the Presidency a consolidated summary of the information referred to in sub-regulation 1(f).

Regulation 222

Subsequent complaint

1. Rejection of a complaint by the Chief Custody Officer, the Registrar or the Presidency does not prevent the detained person from raising the complaint subsequently.
2. The Chief Custody Officer, the Registrar or the Presidency may reject the subsequent complaint without further consideration or investigation if it does not raise additional matters.
3. In any case, a detained person may, at any time during an inspection of the detention centre by an independent inspecting authority, raise his or her concern with regard to any matter concerning his or her detention and discuss it with representatives of the independent inspecting authority out of the sight and hearing of the staff of the detention centre.

X. Cross-references to the complaints procedure

It is also proposed to delete the explicit references to the complaints procedure which are contained elsewhere in chapter 5. Proposed regulation 217(1) is extensive, allowing complaints ‘against any matter concerning ... detention’. Accordingly, any cross-reference to the complaint procedure elsewhere in chapter 5 is superfluous. To implement this change, the following regulations must be amended. The deletions below will necessitate the renumbering of some sub-regulations of the below regulations.

Regulation 157	
Current	Amendment Proposal
Regulation 157 External medical practitioner	Regulation 157 External medical practitioner
[...]	[...]
9. In the event that a detained person’s request to consult an external medical practitioner is	9. In the event that a detained person’s request to consult an external medical practitioner is

rejected, the former may file a complaint in accordance with the complaints procedure set out in section 5 of this chapter.	rejected, the former may file a complaint in accordance with the complaints procedure set out in section 5 of this chapter.
[...]	[...]
11. In the event that the medical officer refuses to administer a treatment, a detained person may file a complaint in accordance with the complaints procedure set out in section 5 of this chapter.	11. In the event that the medical officer refuses to administer a treatment, a detained person may file a complaint in accordance with the complaints procedure set out in section 5 of this chapter.
[...]	[...]

Regulation 169	
Current	Amendment Proposal
Regulation 169 Procedure for incoming and outgoing mail	Regulation 169 Procedure for incoming and outgoing mail
[...]	[...]
9. A detained person whose mail has been intercepted or confiscated may file a complaint in accordance with the complaints procedure set out in section 5 of this chapter.	9. A detained person whose mail has been intercepted or confiscated may file a complaint in accordance with the complaints procedure set out in section 5 of this chapter.

Regulation 172	
Current	Amendment Proposal
Regulation 172 Postal costs	Regulation 172 Postal costs
[...]	[...]
4. An indigent detained person may file a complaint against any restrictions imposed by the Chief Custody Officer under sub-regulation 3, in accordance with the complaints procedure set out in section 5 of this chapter.	4. An indigent detained person may file a complaint against any restrictions imposed by the Chief Custody Officer under sub-regulation 3, in accordance with the complaints procedure set out in section 5 of this chapter.

Regulation 173	
Current	Amendment Proposal
Regulation 173 Telephone calls	Regulation 173 Telephone calls
[...]	[...]
6. A detained person may file a complaint	6. A detained person may file a complaint

against any restriction imposed under sub-regulations 4 and 5, in accordance with the complaints procedure set out in section 5 of this chapter.	against any restriction imposed under sub-regulations 4 and 5, in accordance with the complaints procedure set out in section 5 of this chapter.
[...]	[...]

Regulation 175	
Current	Amendment Proposal
Regulation 175 Active monitoring of telephone calls	Regulation 175 Active monitoring of telephone calls
[...]	[...]
11. A detained person whose calls have been actively monitored may file a complaint in accordance with the complaints procedure set out in section 5 of this chapter.	11. A detained person whose calls have been actively monitored may file a complaint in accordance with the complaints procedure set out in section 5 of this chapter.

Regulation 180	
Current	Amendment Proposal
Regulation 180 Criteria for granting permission for a visit	Regulation 180 Criteria for granting permission for a visit
[...]	[...]
4. The detained person whose visits have been denied may file a complaint, in accordance with the complaints procedure set out in section 5 of this chapter.	4. The detained person whose visits have been denied may file a complaint, in accordance with the complaints procedure set out in section 5 of this chapter.
[...]	[...]

Regulation 184	
Current	Amendment Proposal
Regulation 184 Monitoring of visits	Regulation 184 Monitoring of visits
[...]	[...]
11. A detained person whose visits have been monitored may file a complaint in accordance with the complaints procedure set out in section 5 of this chapter.	11. A detained person whose visits have been monitored may file a complaint in accordance with the complaints procedure set out in section 5 of this chapter.

Regulation 196	
Current	Amendment Proposal
Regulation 196 Cell monitoring for health, safety and security purposes	Regulation 196 Cell monitoring for health, safety and security purposes
[...]	[...]
4. The detained person may file a complaint in relation to the use of video-surveillance equipment in accordance with the complaints procedure set out in section 5 of this chapter.	4. The detained person may file a complaint in relation to the use of video-surveillance equipment in accordance with the complaints procedure set out in section 5 of this chapter.